

# International Economic Law

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The year 2016 was marked by the successful conclusion of the *Trans-Pacific Partnership Agreement* (“TPP”)<sup>1</sup> and the panel ruling in *Indonesia – Import Licensing Regimes*, a case brought by New Zealand (together with the United States) against several Indonesian import restrictions on horticultural and animal products.<sup>2</sup> Another highlight in the international economic law arena was the finalization of the legal text of the *Pacific Agreement on Closer Economic Relations* (“PACER Plus”), which aims at economic integration between Australia, New Zealand, and the Pacific Island countries.<sup>3</sup> At the same time, further trade integration has come under fire worldwide. Two events epitomize this: the outcome of the Brexit referendum to withdraw the United Kingdom from the European Union and the election of Donald Trump, an outspoken critic of the TPP and the *North American Free Trade Agreement*,<sup>4</sup> as the 45th president of the United States. It is expected that these developments will have significant implications for the trade landscape in 2017.

## 1 Preferential Trade

The government is negotiating free trade agreements (“FTAs”) with a view to increasing export opportunities for New Zealand businesses as well as legal certainty, thus making the risks associated with cross-border trade more predictable.<sup>5</sup>

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1 Ministry of Foreign Affairs & Trade, *Trans-Pacific Partnership* <<https://www.tpp.mfat.govt.nz/>>.

2 Panel Report, *Indonesia – Importation of Horticultural Products, Animals and Animal Products*, WTO Doc WT/DS477/R, WT/DS478/R, modified by WT/DS477/R/Corr.1, WT/DS478/R/Corr.1 (22 December 2016).

3 Radio New Zealand, *Pacific countries agree to trade agreement's legal text* (26 August 2016) <<http://www.radionz.co.nz/international/pacific-news/31908/pacific-countries-agree-to-trade-agreement%27s-legal-text>>.

4 *North American Free Trade Agreement*, signed 17 December 1992, (1993) 32 ILM 289 (entered into force 1 January 1994).

5 Ministry of Foreign Affairs & Trade, *Trade Agenda 2030*, 18–19 <[https://www.mfat.Trade2030/Trade-Agenda-2030-Strategy-document.govt.nz/assets/\\_securedfiles/pdf](https://www.mfat.Trade2030/Trade-Agenda-2030-Strategy-document.govt.nz/assets/_securedfiles/pdf)>.

### 1.1 *Trans-Pacific Partnership*

The *TPP* was signed in Auckland on 4 February 2016 and New Zealand has been designated as the depository for the *TPP*. It brings together the economies of New Zealand, Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, Peru, Singapore, the United States and Viet Nam into one mega trading bloc. The combined GDP of these 12 parties amounts to 36 per cent of world GDP.<sup>6</sup> The Agreement, once in force, will have a massive economic impact. For New Zealand, it would mean the first free trade agreement with Canada, Japan, Mexico, Peru, and the United States. 95.4 per cent of all customs duties on New Zealand exports to these countries will be eventually eliminated.<sup>7</sup> Furthermore, for the first time, an investor-state dispute settlement (“ISDS”) mechanism would be in place, giving investors from those countries the right to take legal action against New Zealand government measures. In terms of regulatory impact, most changes concern New Zealand’s intellectual property (“IP”) laws, leading to a higher level of IP protection as compared to the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights* (“*TRIPS Agreement*”).<sup>8</sup> Among other things, the protection of data in marketing approval procedures for new agricultural chemicals will be extended from five to 10 years; copyright protection will go up to life plus 70 years; and to compensate for unreasonable delays in the examination process, patent terms can be extended. Besides, New Zealand Customs Service is granted more powers to detain counterfeit goods and pirated copyright protected works at the border.<sup>9</sup> The *TPP Amendment Bill* was passed in November. Pursuant to s 2, the Bill will commence when the *TPP* enters into force. New Zealand is set to ratify the *TPP* in 2017.

There is one big caveat, however: the Agreement, as it stands, cannot enter into force without the United States. According to *TPP* art 30.5, at least 85 per cent of the combined GDP of the signatories in 2013 are required for the Agreement to enter into force. This requirement cannot be met without US participation.

### 1.2 *Regional Comprehensive Economic Partnership*

The negotiations for a *Regional Comprehensive Economic Partnership* (“*RCEP*”) are ongoing. As of 2016, 16 negotiation rounds took place, the last one in Jakarta

6 Ministry of Foreign Affairs & Trade, *Trans-Pacific Partnership* <<https://www.tpp.mfat.govt.nz/>>.

7 Ministry of Foreign Affairs & Trade, *Trans-Pacific Partnership National Interest Analysis* (25 January 2016) 38.

8 *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights*, signed 15 April 1994, 1869 UNTS 299 (entered into force 1 January 1995).

9 See the entire *Trans-Pacific Partnership Agreement Amendment Bill* at <<http://www.legislation.govt.nz/bill/government/2016/0133/latest/whole.html#DLM6838023>>.

in December. The leaders of the participating countries set out seemingly conflicting objectives in a joint statement, namely the “swift conclusion” of the negotiations while achieving a “high-quality” agreement at the same time.<sup>10</sup>

*RCEP* is of economic significance to New Zealand, as it would establish a free trade area with countries with which New Zealand currently has no bilateral agreement, i.e. India and Japan.<sup>11</sup> There are other designated signatories that have no bilateral free trade agreement in place at present, such as China/India, China/Japan, Japan/Korea, and Australia/India.

It should be stressed that the secrecy, criticised throughout the negotiations of the *TPP*, persist with respect to *RCEP*. Not even position papers, as is the modern practice of the European Commission when negotiating trade agreements, are provided by the government to the public.<sup>12</sup> In terms of transparency and accountability this is lamentable, since it is inconceivable that abstract statements, such as the formulation of negotiation goals and an outline of issues, would in any way jeopardize the government's room for manoeuvre. Also, more transparency would pre-empt the ever more prevalent leaking of documents. Generally speaking, to have a say in the outcome, people have to be able to influence the FTA negotiations. The ratification process, being a yes or no decision, is too late to alter the legal text.

### 1.3 *New Zealand–India Free Trade Agreement*

Aside from *RCEP*, New Zealand pursues trade liberalization with India through a second channel, namely bilaterally. The bilateral agreement is intended to form a safety net should the plurilateral negotiations come to nothing. It is clear, however, that should the liberalization level achieved plurilaterally exceed the bilateral deal, it will be of little practical import. In this connection, it should be noted that bilateral agreements usually include a most-favoured-nation (“MFN”) obligation with respect to services and investment, not goods, so that further tariff reductions would not need to be plurilateralized.<sup>13</sup>

10 See *Joint Leaders' Statement on the Regional Comprehensive Economic Partnership* (8 September 2016, Vientiane, Laos) <[http://asean.org/storage/2016/09/56-RCEP\\_Joint-Leaders-Statement\\_8-September-2016.pdf](http://asean.org/storage/2016/09/56-RCEP_Joint-Leaders-Statement_8-September-2016.pdf)>.

11 Should the *TPP* enter into force, New Zealand would have an agreement with Japan, namely the *TPP* of which Japan would be just like New Zealand a constituent member.

12 The European Union even publishes draft texts. See, e.g., for the EU–Japan Economic Partnership Agreement, European Commission, *EU–Japan trade agreement: texts of the agreement in principle* (6 July 2017) <<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1684>>.

13 See, e.g., *Free Trade Agreement Between The Government of New Zealand And The Government of the People's Republic of China* Ch. 3.

#### 1.4 *New Zealand–China Free Trade Agreement*

New Zealand and China decided at the end of 2016 that it is time to upgrade their existing free trade agreement, as new business sectors have gained in importance.<sup>14</sup> Digital trade is a case in point. The agreement entered into force in 2008 and was the first free trade agreement to be concluded by China with a Western country. Since then the trade relationship with China has almost tripled over the past decade according to Statistics New Zealand.<sup>15</sup> It is likely that the upgrade will take account of the ongoing negotiations at the regional level, i.e. *RCEP*.

As to the protection of foreign investments, the national treatment obligation in the *NZ–China FTA* does not include the pre-establishment phase as of yet.<sup>16</sup> It bears noting, however, that, as a result of access granted to the residential property market in the *Free Trade Agreement Between New Zealand and the Republic of Korea*,<sup>17</sup> the government can no longer discriminate against Chinese house buyers because of the MFN clause in *NZ–China FTA* art 139(1), which encompasses “admission”. The *NZ–Korea FTA* was after the entry into force of the *NZ–China FTA*<sup>18</sup> and the purchase of residential property is a covered investment (given the expected capital gains). The requirement of prior government approval, as set out in Annex II to the *NZ–Korea FTA*, does not relate to residential property, unless it is on protected areas, such as heritage sites or scenically valuable areas. According to Land Information New Zealand, Chinese were the biggest group of foreign house buyers in April–June 2016.<sup>19</sup> As a side note, under the TPP, New Zealand secured a reservation relating to the taxation of residential property in the Annex II Schedule.

14 Joint Statement Between New Zealand and the People's Republic of China on the Upgrade of the China-New Zealand Free Trade Agreement <<https://www.mfat.govt.nz/assets/FTAs-agreements-in-force/China-FTA/China-NZ-JMS-FTA-upgrade.pdf>>.

15 Statistics NZ, *Trade with China nearly tripled in past decade* (7 September 2016) <[http://www.stats.govt.nz/browse\\_for\\_stats/industry\\_sectors/imports\\_and\\_exports/trade-china-tripled-decade.aspx](http://www.stats.govt.nz/browse_for_stats/industry_sectors/imports_and_exports/trade-china-tripled-decade.aspx)>.

16 *NZ–China FTA* art 138.

17 The national treatment obligation in the investment chapter extends to the “establishment” and “acquisition” of investments, art 10.5.

18 This is relevant because of *NZ–China FTA* art 139(3).

19 Tom Pullar-Strecker, *3 per cent of NZ house buyers officially from overseas* (1 August 2016) Stuff <<http://www.stuff.co.nz/business/industries/82682551/fresh-attempt-to-calculate-impact-of-overseas-home-buyers>>.

### 1.5 *Pacific Agreement on Closer Economic Relations (PACER Plus)*

A Special Pacific Islands Trade Ministers Meeting took place in Christchurch on 26 August 2016. At that meeting, the ministers finalized the text of *PACER Plus*. The Agreement is not just a trade agreement, but is also conceived as an economic development agreement, as shown by the long timeframes to eliminate customs duties.<sup>20</sup> Its main focus is on increasing living standards.<sup>21</sup> The Agreement's investment chapter does not provide for ISDS, nor does the Agreement contain a chapter on intellectual property protection. This is reflective of the economic development of the Pacific Island countries. In the final analysis, the regime, as laid out in *PACER Plus*, is less integrative than the one under New Zealand's other free trade agreements.

Both Australia and New Zealand pledged to provide funds to help Pacific Island countries with the implementation of *PACER Plus*.<sup>22</sup> With a view to enhancing labour mobility within the region, the parties concluded a side agreement on labour mobility, which is not binding, however. This concerns unskilled and semi-skilled workers.

### 1.6 *New Zealand–European Union Free Trade Agreement*

Surprisingly, there are some pitfalls around the New Zealand-European Union FTA negotiations which should otherwise be a straightforward deal among two like-minded entities as far as trade matters are concerned. For good reason, New Zealand has been a latecomer in terms of countries with which the European Union launched trade negotiations, and remoteness is only part of the story. Mindful that New Zealand is an agricultural powerhouse, for the free trade agreement to be economically meaningful for New Zealand, it will have to make an impact on the notorious EU agricultural regime, the so-called Common Agricultural Policy, particularly its centrepieces: quotas, tariff quotas, and agricultural subsidies. Another area of contention, where New Zealand has a great economic interest, concerns the services sectors. New Zealand is a services provider, as shown by its increasing GDP from services.<sup>23</sup>

20 Ministry of Foreign Affairs & Trade, *Pacific Agreement on Closer Economic Relations (PACER) Plus National Interest Analysis* (6 June 2017) 8.

21 See recital 3 to the Preamble.

22 See *Implementing Arrangement for Development and Economic Cooperation under the Pacific Agreement on Closer Economic Relations Plus*, available at <<https://www.mfat.govt.nz/en/trade/free-trade-agreements/agreements-under-negotiation/pacer/pacer-plus-full-text/>>.

23 Trading Economics, *New Zealand GDP From Services* (2017) <[www.tradingeconomics.com/new-zealand/gdp-from-services](http://www.tradingeconomics.com/new-zealand/gdp-from-services)>.

In October, the European Union and New Zealand signed the Partnership Agreement on Relations and Cooperation, according to European treaty practice, a precursor to a fully-fledged free trade agreement. An open question is the New Zealand-United Kingdom trade relationship after Brexit. Both countries started a trade policy dialogue with a view to sounding out the feasibility of a bilateral agreement.<sup>24</sup>

As to the future negotiation agenda, it will be interesting to see how the New Zealand government responds to the establishment of an investment court system promoted by Canada and the European Union through the Comprehensive Economic and Trade Agreement, which was signed on 30 October 2016. Slightly higher IP standards, notably with respect to geographical indications, can be expected following an FTA with the European Union. Those higher standards would need to be multilateralized, given that the *TRIPS Agreement* does not have an economic integration exception. As a corollary, the level of IP protection in New Zealand would be lifted in general.

## 2 World Trade

### 2.1 *Environmental Goods Agreement*

The negotiations for an Environmental Goods Agreement under the auspices of the World Trade Organization (“WTO”) are ongoing. The objective is to reach an agreement on the full elimination of customs duties on goods that contribute to sustainable development and are used to combat pollution, for example, solar water heaters or recycling machinery.<sup>25</sup>

### 2.2 *Trade in Services Agreement (“TiSA”)*

New Zealand is one of 23 parties to negotiate a Trade in Services Agreement, which has as its goal the liberalization of trade in services beyond the level laid down in the *General Agreement on Trade in Services*.<sup>26</sup> The negotiations, occurring outside the WTO, are testament to the growing importance of services to the global economy. In 2016 the parties conducted a stocktaking exercise.

24 Todd McClay, “NZ establishes trade policy dialogue with UK” (Press Release, 18 October 2016) <<https://www.beehive.govt.nz/release/nz-establishes-trade-policy-dialogue-uk>>.

25 Ministry of Foreign Affairs & Trade, *Environmental Goods Agreement* <<https://www.mfat.govt.nz/en/trade/our-work-with-the-wto/environmental-goods-agreement-ega/>>.

26 *General Agreement on Trade in Services*, signed 15 April 1994, 1869 UNTS 183 (entered into force 1 January 1995).

No conclusion has been reached yet. *TiSA* parties account for approximately 70 per cent of worldwide trade in services.<sup>27</sup>

## 2.3 WTO Cases

### 2.3.1 Indonesia – Import Licensing Regimes

The Indonesia-New Zealand trade dispute was decided in favour of New Zealand in December. New Zealand beef exports had fallen by 80 per cent as a result of Indonesian import restrictions.<sup>28</sup> The Panel found these restrictions inconsistent with WTO law.

The case is of systemic importance, as it clarified some moot points. As far as state responsibility for private actors is concerned, the Panel followed the ruling of the Appellate Body in the *US – COOL* case. WTO Members set the regulatory framework within which private actors operate. That framework can be challenged before the WTO, even though particular decisions within that given framework are taken by private actors. The prerequisite for state responsibility in this case is that the private actions have been incentivized by the set framework.<sup>29</sup>

On the procedural side, the Panel held that a change of the measure at issue after the establishment of the panel is immaterial to the panel's terms of reference.<sup>30</sup> In order to make a *prima facie* case, a complainant does not need to show that the measure at issue actually impinged on trade volumes. Even if trade volumes have gone up while a measure was in force, that measure may still constitute a quantitative restriction.<sup>31</sup> Conversely, data that demonstrates that trade has decreased since the entry into force of the measure can be used

<sup>27</sup> Ministry of Foreign Affairs & Trade, *Trade in Services Agreement (TiSA)* <<https://www.mfat.govt.nz/en/trade/free-trade-agreements/agreements-under-negotiation/tisa/>>.

<sup>28</sup> *Indonesia – Importation of Horticultural Products, Animals and Animal Products*, WTO Doc WT/DS466/1, G/L/1038, G/AG/GEN/113, G/LIC/D/46, G/PSI/D/2 (9 September 2013) (Request for Consultations by New Zealand) [2].

<sup>29</sup> Panel Report, *Indonesia – Import Licensing Regimes*, WTO Doc WT/DS477/R, WT/DS478/R, modified by WT/DS477/R/Corr.1, WT/DS478/R/Corr.1, [7.6], [7.346], quoting Appellate Body Report, *United States – Certain Country of Origin Labelling (COOL) Requirements*, WTO Doc WT/DS384/AB/R, WT/DS386/AB/R (23 July 2012) [291].

<sup>30</sup> Panel Report, *Indonesia – Import Licensing Regimes*, WTO Doc WT/DS477/R, WT/DS478/R, modified by WT/DS477/R/Corr.1, WT/DS478/R/Corr.1, [6.24].

<sup>31</sup> See Panel Report, *Turkey – Restrictions on Imports of Textile and Clothing Products*, WTO Doc WT/DS34/R (19 November 1999) [9.204].

as evidence to buttress a claim of restriction.<sup>32</sup> As noted by Davies before, trade effects can be “a decisive evidential consideration.”<sup>33</sup>

With respect to Article XI of the *General Agreement on Tariffs and Trade* (“GATT”),<sup>34</sup> the Panel ruled that automatic import licensing systems fall under its remit.<sup>35</sup> In order to ascertain whether a particular measure constitutes a quantitative restriction, the combined effect of its requirements has to be examined.<sup>36</sup> As regards trade in agricultural or fisheries products, the Panel held that GATT art XI:2(c)(ii) has been overridden by *Agreement on Agriculture* art 4.2.<sup>37</sup>

Indonesia invoked several exceptions of GATT art XX to defend its import licensing regimes. As to GATT art XX(d), the Panel observed that the ruling of the Appellate Body in *US – Carbon Steel* that ‘a responding Member’s law will be treated as WTO-consistent until proven otherwise’<sup>38</sup> does not relieve the respondent of the duty to provide the legal texts of the legal instruments it seeks compliance with. Merely enumerating national laws or regulations is not sufficient.<sup>39</sup> Indonesia’s other attempts under GATT art XX failed as well because the measures did not refer to any of the policy objectives listed in art XX as their rationale. It is true that the burden of proof is incumbent upon “the party invoking an exception.”<sup>40</sup> Who bears the burden of proof is one thing; another thing is the standard of proof. In this regard, Van den Bossche and Prévost noted that

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- 32 Panel Report, *Indonesia – Import Licensing Regimes*, WTO Doc WT/DS477/R, WT/DS478/R, modified by WT/DS477/R/Corr.1, WT/DS478/R/Corr.1, [7.88], [7.323].
- 33 Arwel Davies, “Interpreting the Chapeau of GATT Article XX in Light of the ‘New’ Approach in *Brazil-Tyres*” (2017) 43(3) *Journal of World Trade* 507, 516.
- 34 *General Agreement on Tariffs and Trade 1994*, adopted 15 April 1994, 1867 UNTS 187 (entered into force 1 January 1995).
- 35 Panel Report, *Indonesia – Import Licensing Regimes*, WTO Doc WT/DS477/R, WT/DS478/R, modified by WT/DS477/R/Corr.1, WT/DS478/R/Corr.1, [7.56].
- 36 Ibid [7.109]–[7.111], [7.268], [7.317], [7.476].
- 37 Ibid [7.60]; *Marrakesh Agreement Establishing the World Trade Organization*, opened for signature 15 April 1994, 1867 UNTS 3 (entered into force 1 January 1995), annex 1A (*Agreement on Agriculture*) 1867 UNTS 190.
- 38 Appellate Body Report, *United States – Countervailing Duties on Certain Corrosion Resistant Carbon Steel Flat Products from Germany*, WTO Doc WT/DS213/AB/R and Corr.1 (19 December 2002) 157.
- 39 Panel Report, *Indonesia – Import Licensing Regimes*, WTO Doc WT/DS477/R, WT/DS478/R, modified by WT/DS477/R/Corr.1, WT/DS478/R/Corr.1, [7.581].
- 40 See, e.g., Panel Report, *United States – Standards for Reformulated and Conventional Gasoline*, WTO Doc WT/DS2/R (20 May 1996) [6.20], [6.35].



Although a Member's articulation of the objective(s) of the measure at issue should be taken into account, a panel is not bound by this and must take account of all evidence put before it in this regard including the texts of statutes, legislative history and other evidence regarding the structure and operation of the measure.<sup>41</sup>

In the present case, the Panel focussed on the text of the measures at issue and found that Indonesia did not meet the above threshold.<sup>42</sup> The reasoning was akin to the one adopted by the Panel in *China – Raw Materials*, where “China [the respondent] was unable to substantiate its claim that its [measures at issue] are part of a comprehensive programme maintained in order to reduce pollution”.<sup>43</sup> To be justified, the measures must be *designed* to protect, for example, public morals (art XX(a)) or public health (art XX(b)). The true object and purpose of the import licensing regimes, however, was simplification and administration of the import process.<sup>44</sup> None of these is an accepted ground of justification under *GATT* art XX, whose list of justifiable policy objectives is exhaustive.<sup>45</sup>

Indonesia already announced that it will appeal the ruling.<sup>46</sup> In this context, it is worth noting that Indonesia is a designated signatory to *RCEP*.

### 2.3.2 Third Party Participation

The Dispute Settlement Understanding (“*DSU*”)<sup>47</sup> enables non-disputing Members to make written submissions to WTO panels and the Appellate Body.<sup>48</sup> New Zealand's third party involvement relates to agricultural products, thus reflecting the country's export interests.

41 Peter Van den Bossche and Denise Prévost, *Essentials of WTO Law* (CUP, 2016) 89.

42 Panel Report, *Indonesia – Import Licensing Regimes*, WTO Doc WT/DS477/R, WT/DS478/R, modified by WT/DS477/R/Corr.1, WT/DS478/R/Corr.1, [7.631], [7.657], [7.678]–[7.679].

43 Panel Report, *China – Measures Related to the Exportation of Various Raw Materials*, WTO Doc WT/DS394/R, WT/DS395/R, WT/DS398/R (22 February 2012) [7.516].

44 Panel Report, *Indonesia – Import Licensing Regimes*, WTO Doc WT/DS477/R, WT/DS478/R, modified by WT/DS477/R/Corr.1, WT/DS478/R/Corr.1, [7.631], [7.657], [7.678], [7.739], [7.773f], [7.794].

45 Unlike *Agreement on Technical Barriers to Trade* art 2.2 (“inter alia”).

46 World Trade Organization, *DS477: Indonesia – Importation of Horticultural Products, Animals and Animal Products* (2017) <[www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds477\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds477_e.htm)>.

47 WTO Understanding on Rules and Procedures governing the Settlement of Disputes (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 401.

48 *DSU* arts 10.2, 17.4.

*Korea – Radionuclides*<sup>49</sup> is concerned with certain testing and certification requirements for radionuclides imposed by Korea on food products from Japan in the wake of the Fukushima nuclear accident.

*Indonesia – Chicken*<sup>50</sup> concerns measures similar to the ones challenged by New Zealand in *Indonesia – Import Licensing Regimes*, just in a different agricultural sector. New Zealand has an interest in transparent market access given the importance of Indonesia as an export market for New Zealand agricultural products.<sup>51</sup>

*US – Tuna II*<sup>52</sup> is about eco-labelling, in the present case regarding dolphin-safe harvesting. New Zealand has a stake in this foodstuff-related issue in terms of policy reforms. In 2016 the case has gone in its second round of compliance proceedings.

Another case of relevance to New Zealand is the *Tobacco Plain Packaging* case against Australia,<sup>53</sup> as New Zealand is poised to introduce similar legislation. However, as of 2016, the case has not been decided yet.

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- 49 World Trade Organization, *DS495: Korea – Import Bans, and Testing and Certification Requirements for Radionuclides* <[https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds495\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds495_e.htm)>.
  - 50 World Trade Organization, *DS484: Indonesia – Measures Concerning the Importation of Chicken Meat and Chicken Products* <[https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds484\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds484_e.htm)>.
  - 51 Observatory of Economic Complexity, *What does Indonesia import from New Zealand?* (2016) <[http://atlas.media.mit.edu/en/visualize/tree\\_map/hs92/import/idn/nzl/show/2016/](http://atlas.media.mit.edu/en/visualize/tree_map/hs92/import/idn/nzl/show/2016/)>.
  - 52 World Trade Organization, *DS381: United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products* <[https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds381\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds381_e.htm)>.
  - 53 *Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging*, WTO Doc WT/DS434, WT/DS435, WT/DS441, WT/DS458, WT/DS467.